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March 11, 2019

Representative Ed Soliday
Indiana House of Representatives
200 W. Washington St.
Indianapolis, IN 46204

Senator Karen Tallian
Indiana State Senate
200 W. Washington St.
Indianapolis, IN 46204

Hon. Jessica A. Bailey
Clerk of the Circuit Court
16 Lincolnway, Suite 209
Valparaiso, IN 46383

Representative Soliday, Senator Tallian, and Clerk Bailey,

In 2018, Porter County, Indiana experienced a variety of problems while conducting the November General Election. Over the past few weeks, my office has taken great care to review the issues that affected this election, following a request from state legislators. While Indiana elections are administered by county offices, at times extenuating circumstances arise that justify the involvement of state authorities. In doing so, we parse the details of a situation with a greater degree of impartiality and bring the added benefit of statewide election experience to assist in resolving current problems and preventing future ones. In the Porter County review, my office was joined by the nonpartisan Voting System Technical Oversight Program (VSTOP), which led the efforts to compile information on the sequence of events that led to Election Day issues. That report is attached.

However, the nonpartisan character of VSTOP presents a challenge when it comes to focusing on certain problems that, in my view, ought to be highlighted. I therefore submit this letter in an effort to reveal the core problems of Porter County's 2018 General Election.

At the outset, I wish to give special thanks to Circuit Court Clerk Jessica Bailey, whose office has been incredibly accommodating during our review. I commend Clerk Bailey, who took office just weeks after the 2018 election, for her willing collaboration and transparency throughout this process. Similar thanks go to former County Clerk Karen Martin, both Democrats and Republicans who serve as election administration staff, and all Porter County employees who assisted in VSTOP's Risk-Limiting Audit following the election. I am confident that Porter County elections are well served by Clerk Bailey.

The report addresses issues and problems leading up to and including the General Election on November 6, 2018 in Porter County. The principle issues of voter inconvenience, election disruption, delay in results reporting, and public concern included:



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1. Due to staffing, equipment, and election materials issues, over 10% of the polls (13 of 123) opened late on Election Day;^{1,2,3,4,5}
2. Clerk Martin, in collaboration with the county political parties, failed to recruit, train, and employ sufficient numbers of precinct officials and poll workers;
3. Clerk Martin failed to organize approximately 18,000 absentee ballots prior to Election Day, which were to be delivered by the sheriff's department to polling locations for processing and tabulation on Election Day;⁶
4. The majority of precincts lacked absentee ballots to process. As a result, precincts were unable to properly and completely close out their returns and report them to the clerk's office within a reasonable time frame;
5. Due to delays in precincts opening, understaffed polls, and the unavailability of absentee ballots at the polls, emergency judicial intervention was deemed necessary. As a result, 12 polls were ordered to remain open beyond 6:00 pm on Election Day, and an entirely makeshift arrangement for securing unprocessed absentee ballots was imposed; and
6. Due primarily to the issues with processing and counting absentee ballots and makeshift arrangements, the county did not complete its vote tabulation and announce election results until more than two days after Election Day.⁷

Over the course of the review, my office interviewed multiple individuals involved with the election process in Porter County. Unfortunately, testimony revealed that the bulk of Election Day issues were connected to, if not directly caused by, three individuals deeply involved with election processes: Clerk Martin, Voter Registration Deputy Kathy Kozuszek, and Election Board Member J.J. Stankiewicz.

It is unfortunate that Clerk Martin allowed her personal pride to prevent her from executing her duties properly. Clerk Martin contributed to an ongoing, bitter feud between herself and Ms. Kozuszek, and engaged in unprofessional and uncooperative behavior, even during public meetings. Clerk Martin placed a higher priority on proving Ms. Kozuszek wrong than in serving the voters of Porter County, and refused help even when it was clear that the county was ill-prepared for Election Day. Clerk Martin was unsuccessful in her bid for County Auditor and has retired from public life. To Clerk Martin's credit, she acknowledged some of her errors. It is apparent such an experience was deeply regrettable, yet equally valuable as in any individual's ongoing pursuit of personal character building.

¹ Poll Hours IC 3-11-8-8.

² Precinct Election Officials; Poll Worker Appointment and Training IC 3-6-6

³ Voting System Delivery IC 3-11-13-6 (c); 3-11-14-14.

⁴ Polling Place Set Up IC 3-11-13-27; IC 3-11-14-17;

⁵ Election Material Pick Up IC 3-11-3-10.

⁶ Counting Absentee Ballots Cast on Paper Ballots IC 3-11.5-5.

⁷ Note: a few days prior to the election the American Civil Liberties Union of Indiana filed an allegation that applications for absentee (by mail) ballots had not been properly and thoroughly attended to and that some absentee ballots distributed to voters had not been signed by two members of the Election Board and thus were potentially invalid. The Indiana State Police followed up on the complaint. After the Election there was no indication that any absentee ballot was invalidated due to insufficiency in Election Board authentication.

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Kathy Kozuszek, as noted above, participated in a prolonged, deeply bitter personal feud with Clerk Martin, going so far as to actively prevent official business from taking place in order to prove a point. In her interview, Ms. Kozuszek laid the entirety of the election issues at the Clerk's feet, while admitting no wrongdoing or unprofessional behavior of her own, despite multiple witnesses speaking to the contrary. Ms. Kozuszek seemed to relish the negative consequences experienced by the county on Election Day, unable to separate her extreme dislike of Clerk Martin from her responsibilities as a public servant. Ms. Kozuszek contributed to a wildly chaotic environment during the entire General Election and is a key figure in the issues experienced by Porter County. Ms. Kozuszek continues to serve in her capacity as Voter Registration Deputy.

Election Board Member J.J. Stankiewicz was intimately involved in election matters leading up to the 2018 General Election, and was in frequent communication with the Clerk's office and voter registration employees. He was present during the Risk-Limiting Audit, "joking" that the VSTOP team should be careful not to be "used" by the state. When local police officers were assigned to secure ballot delivery in the county building, he wrongfully accused department officers of leaving ballots unattended. Mr. Stankiewicz initially agreed to attend the interview conducted by the Secretary of State's office, but then wavered and, in a series of evasive and puzzling emails, attempted to withdraw his participation. His final communication before the interview acknowledged his understanding and acceptance of the interview, but when his interview time arrived, he did not participate. His bizarre correspondence culminated in a note of thanks to the Secretary of State, in which he breezed over his lack of communication and ignored the larger issues at play in the election. His emails are attached to this letter. Over the course of those emails, and in phone calls with the Secretary of State's Executive Assistant, Mr. Stankiewicz proved to be disrespectful, rude, toxic, and combative. Mr. Stankiewicz's representative behavior can be seen in a county election board pre-meeting discussion from March 8, 2019. He pointedly declined to offer any insight into election issues and was selectively inaccessible by phone and by email. Mr. Stankiewicz now serves as President of the Porter County Election Board.

These three individuals each contributed to the dysfunction, miscommunication, and administrative incompetence that plagued the election process in Porter County. Even though each was aware of potential problems leading up to the election, personality conflicts, vindictive behavior, and personal pride prevented any action from being taken. Not only did these individuals put a heavy burden on dedicated employees within county government who were attempting to execute their responsibilities properly, they failed to meet the expectations and needs of Porter County voters.

While this report and my comments are designed to inform Porter County voters, Clerk Bailey, and county election administrators throughout Indiana, this review also confirms the proposal offered by Representative Soliday in House Bill 1217. House Bill 1217 would require the remaining six counties, including Porter County, to count centrally. Counting centrally is a more efficient method to tabulate absentee ballots. Instead of delivering absentee ballots to their respective precincts for tabulation on Election Day, a failure in the Porter County General Election, central count counties can tabulate in a central location.

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Second, House Bill 1217 provides that an appointed member of a county election board or a board of elections and registration may not be a relative of any individual that has appointment authority. This provision is consistent with fundamental principles of fair and transparent government. It is apparent throughout the report that a motivating driver of some of the behavior at issue may be related to protections, implied or actual, by way of their relationship with the appointing authority.

I fully support House Bill 1217 and believe the proposal is a specific and tangible solution to the unique dysfunction in Porter County.

Although unsubstantiated, we received reports of a Porter County election administrator actively working to sabotage Election Day by instructing poll workers to not report for their shifts at their assigned polling location. This report, independently submitted by several individuals, is one of the most alarming allegations I have received in my entire time in public service. The behavior described in this allegation is a representative sample of the toxicity that was pervasive throughout this review.

For a representative sample of how toxic the 2018 election was, I suggest watching the county election board's pre-meeting discussion on March 8, 2019, as well as the November 12, 2018 meeting and other public meetings surrounding the 2018 election. During the March 8, 2019 meeting, Mr. Stankiewicz's condescending, disrespectful and possibly discriminatory treatment of Clerk Bailey is appalling. There is a reason why elections in Porter County are different than those experienced by the other 91 counties, and until changes are implemented, I fear future elections may also suffer.

While former County Clerk Martin is no longer in office, Ms. Kozuszek and Mr. Stankiewicz continue to hold their positions. I have the utmost confidence in Clerk Bailey's ability to execute the responsibilities of her office in an efficient and competent manner; however, as evident in the March 8th meeting, it is clear that she has already come to experience the dysfunction plaguing the county.

In my opinion, based on the testimony of 19 other interviews and several other accounts, as Indiana's Secretary of State and a former county clerk, none of these three individuals belong in or near the election process. For the benefit of Porter County's voters, they should step aside from their current responsibilities to restore confidence in Porter County's election system. I call upon both Ms. Kozuszek and Mr. Stankiewicz to resign their positions in election administration. Porter County voters deserve better.

I regret that this election caused so much frustration for the voters of Porter County, but it is my sincere hope that this letter, coupled with the report from VSTOP, will shed light on the county's core issues.

Sincerely,

Connie Lawson
Indiana Secretary of State